

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07-cv-11-RJC-DLH**

**ELENA M. DAVID; ARLEEN J. STACH;  
and VICTOR M. HERNANDEZ,**

**Plaintiffs,**

**v.**

**J. STEELE ALPHIN; AMY WOODS  
BRINKLEY; EDWARD J. BROWN, III;  
CHARLES J. COOLEY; RICHARD M.  
DeMARTINI; BARBARA J. DESOER;  
JAMES H. HANCE; LIAM E. McGEE;  
EUGENE M. McQUADE; ALVARO G. de  
MOLINA; MICHAEL E. O'NEILL; OWEN  
G. SHELL, JR.; R. EUGENE TAYLOR; F.  
WILLIAM VANDIVER, JR.; BRADFORD H.  
WARNER; CHARLES W. COKER;  
STEVEN JONES; KENNETH D. LEWIS;  
BANK OF AMERICA CORPORATION; and  
BANK OF AMERICA CORPORATION  
CORPORATE BENEFITS COMMITTEE,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on the Plaintiffs' Motion for Leave to Amend Complaint (Doc. No. 207) and the related briefs and exhibits. For good cause shown, the Court will grant the Plaintiffs' motion.


It is well-settled that an amended pleading supersedes the pleading it modifies, and that motions directed at superseded pleadings are to be denied as moot. See Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no legal effect). As the Defendants' pending Motion for Summary Judgment on Statute of Limitations

Grounds (Doc. No. 166) is directed at the Plaintiffs' now-superseded Second Amended Class Action Complaint, that motion must be denied as moot.

**IT IS, THEREFORE, ORDERED** that:

1. Plaintiffs' Motion for Leave to Amend Complaint (Doc. No. 207) is **GRANTED**;  
and
2. Defendants' Motion for Summary Judgment on Statute of Limitations Grounds (Doc. No. 166) and Plaintiffs' Motion for Leave to File Sur-Reply Brief in Opposition to Defendants' Motion for Summary Judgment (Doc. No. 211) are **DENIED as moot**.

Signed: November 18, 2010

  
Robert J. Conrad, Jr.  
Chief United States District Judge

